



basic education

Department:
Basic Education
REPUBLIC OF SOUTH AFRICA

MINISTERIAL TASK TEAM REPORT

INVESTIGATION ON ALLEGATIONS INTO THE SELLING OF EDUCATOR POSTS BY MEMBERS OF TEACHERS UNIONS AND DEPARTMENTAL OFFICIALS IN PROVINCIAL EDUCATION DEPARTMENTS

ADDITIONAL ANNEXURES

20 May 2016

ADDITIONAL ANNEXURE 1: COMMENTS BY THE MINISTERIAL TASK TEAM ON RESPONSES FROM TEACHER UNIONS TO THE MTT REPORT

1. BACKGROUND

- 1.1 The Ministerial Task Team (MTT) established to investigate the allegations about the buying and selling of posts of educators, handed its completed Report to the Minister of Basic Education, Mrs Angie Motshekga on 1 March 2016. After studying the Report, the Minister decided not to release it until all Teacher Unions had been given an opportunity to make representations to the MTT on the Report. To this end, a confidential and individually coded copy of the MTT Report was sent by courier to each Teacher Union on 1st April 2016, calling for written responses by 15th April 2016. The MTT received written responses from four Unions (only SADTU sent written responses by the deadline, 15th April 2016 although it was hand-delivered to the DBE in hardcopy form followed by a soft copy on 22nd April 2016).
- 1.2 The Ministerial Task Team (MTT) has considered with care these written responses from Teacher Unions to its Report, and sincerely thank those Unions which responded. The MTT hopes that this ***Annexure*** to the Report will provide further constructive bases for public, Parliamentary and Departmental consideration of the information it has gathered, analysed and from which Recommendations to the Minister of Basic Education have proceeded.
- 1.3 It is important for the MTT to state at the outset that it undertook its task with an open and enquiring state of mind. The Report's diagnostic analysis (Chapter 5) and its Recommendations (Chapter 6) are based wholly on interviews with officials, organisations and selected commentators on educational matters. ***References to publications and position papers were made for the sake of clarity and exposition; and not as shapers of thought or conclusions. In other words, the MTT Report is not a conventional research document but reflects the opinions, views and concerns of the many people who were given ample time and opportunity to assist the MTT in carrying out its mandate.***
- 1.4 A proper reading of the Report shows that the Report's focus on irregularities in the appointments of school- and office-based educators necessitated attention to the current environment in which schooling and its management are conducted.
- 1.5 Consistent with its necessity to be both open-minded and enquiring, the MTT has refrained explicitly from apportioning blame; it has not sought to indict anybody or organisation outside of the forensic findings; and it has not sought to moralise. In other words the MTT does not comment on the innocence or guilt of any person, but merely report on the facts at its disposal. The MTT's task has been to reflect on what it was told, weigh the veracity, credibility and authority of those statements; and then draw tentative conclusions so as to give shape to firm Recommendations to the

Minister. It is the prerogative of a properly constituted tribunal to pronounce on the guilt or innocence of an individual.

- 1.6 The MTT denies that at any stage that it acted irrationally or without an objective mind-set; and declares that its focus was wholly on the MTT's mandate. The MTT's work was done in the public interest, and was precipitated by the ongoing speculation regarding irregularities in the appointment of educators.
- 1.6 Since the written submissions by the Teacher Unions are markedly different from each other, the MTT offers brief responses to each in turn. Salient portions of submissions from Unions are included in this **Annexure**.
- 1.7 There are however two common features in the Union submissions:

(a) **A view that the MTT had gone beyond its mandate**

- (i) The brief of the MTT as set out in its Terms of Reference, did not only include an investigation into all facets of the allegations reported in the media in regard to the alleged irregular appointments of educators at schools, but specifically requested that the MTT to **report to and advise the Minister on:**
 - (aa) *the challenges pertaining to the advertising and the filling of posts and on any possible legislative changes that may be required to improve the existing legislative provisions relating to the advertising and the filling of posts; and*
 - (bb) *the appointment and placement policies, applicable to educators and other members of staff at school, in existence in the national Department of Basic Education and in provincial education departments, the implementation of such policies and whether such policies require review and/or amendment.*
- (ii) The MTT therefore, denies that it acted outside of its brief in any way.

(b) **The lack of knowledge of Unions of wrongdoing or of shortcomings of their members or organisations**

- (i) The MTT was conscious of the increasingly widespread concerns over corruption in all dimensions of public life in South Africa. It therefore could address only an aspect of the greater whole. Its task in so doing was complicated by the apparent ignorance of major Teacher Unions in the Provinces as well as by District Managers of wrongdoing in their areas. Furthermore they offered no observations on the shortcomings of their members, staff or organisations. This feature points disturbingly to an absence of civic responsibility.
- (ii) In summary we need to state the following:
 - (aa) Readers should be aware of the true nature of this Report. In arguing for the strengthening of the Department of Basic Education's structures – i.e., regaining control of its Provincial and local administration and

management – the Report is asserting a fundamentally conservative position. The Report does so because there is the primary need for the authority of the Department to be re-established so that the transformation of schooling can be put on track.

- (bb) This Report's basic argument is that the Department and the Unions together are essential to addressing the needs of the schooling system. The right and duty of Unions to act in the interests of their members is of cardinal importance, but educational progress cannot be made when the situation between the Department and the Unions is persistently adversarial and conflictual. Then it is all about power and not education.
- (cc) It should be stated as clearly as possible that the Recommendations of the Report are not yet policy. These Recommendations are offered to the Minister for consideration, discussion, public debate and thought as a contribution towards how best the South African schooling system might be improved. This Report has had to focus on corruption in the making of appointments in education: its mandate directed that to be examined as fully as possible. The 16 Recommendations are offered so as to direct attention to those related issues before policy decisions are taken.

2. ANALYSIS OF THE COMMENTS FROM TEACHER UNIONS

2.1 NATIONAL PROFESSIONAL TEACHERS' ORGANISATION OF SOUTH AFRICA (NAPTOSA) – (for further details, see *Annexure 1A*)

- (a) While **NAPTOSA** appreciates the Report as an "*honest attempt to address a vexing problem*", it also raises several concerns. These include:
 - (i) that the Report appears to take a negative view of unionism and unions and can be accused of "*union bashing*";
 - (ii) the recommendation that SGBs should not be involved in the appointment process for promotion posts is problematic for several reasons;
 - (iii) that, while they support the recommendation for the observer status of Unions be renegotiated with respect to the recruitment process, they will not support any attempt to remove from Unions the rights to observe;
 - (iv) that the Report appears to generalise its findings pertaining to unions, thereby tarnishing every union with the same brush; and
 - (v) the fact that individuals are named may expose them to dangers and complications.
- (b) **NAPTOSA** offers the following responses (given verbatim below) to the MTT Recommendations:

- (b.1) **RECOMMENDATION 1:** *That the illegal actions by educators identified by the MTT should be reported to SAPS for further action; and that the Minister engages her counterpart in the police to dedicate resources to this category of cases to ensure fair and expeditious resolution.*

Response: The recommendation is supported, however, NAPTOSA suggests that SAPS be involved and that lifestyle audits be done especially where strong anecdotal evidence exists; but fear and intimidation restricts people from providing evidence. Also the DBE [*Employment of Educators Act 76 of 1998 as amended*] and SACE Code of Conduct should be implemented to bring disciplinary actions against those who have been implicated.

- (b.2) **RECOMMENDATION 2:** *That disciplinary action be taken against those officials who had the responsibility to check acts of corruption but failed to do so.*

Response: Suggest that before such action, an investigation be done to determine why officials did not act as required by legislation, and then follow the recommendation.

- (b.3) **RECOMMENDATION 3:** *That action be taken quickly to protect whistle-blowers.*

Response: NAPTOSA recommends a dedicated project across competent authorities to investigate and act on all cases for a defined period. Whistle-blowers are crucial in the fight against corrupt practices in the public service, and must receive the necessary protection. Unfortunately, the Report has named individuals, thus exposing them to the wrath of the very miscreants that should be brought to book. The recommendation is therefore supported.

- (b.4) **RECOMMENDATION 4:** *That the Department of Basic Education regain control of administering and managing the education system in all Provinces, so that clear distinctions are established between the roles and functions of the DBE and the concerns of Teacher Unions.*

Response: NAPTOSA supports the recommendation. It is vital for the success of education in South Africa that the DBE reclaims control over the education system. This does not mean that NAPTOSA will not disagree with the Department on matters, but as always, this will be done in a spirit of constructive participation and debate. NAPTOSA is committed to an education system in which its members will be able to compete fairly within laws, provisions and procedures over which the DBE has full control and that prevent the influence of external parties.

- (b.5) **RECOMMENDATION 5:** *That the Minister requires all Provinces to complete and implement their delegations frameworks in line with the 'Principles of Public Administration and Financial Management Delegation approved Cabinet on 07 August 2013; and that the Minister should amend applicable basic education legislation accordingly.*

Response: Recommendation is supported.

- (b.6) **RECOMMENDATION 6:** *That the powers of School Government Bodies to make recommendations for the appointment of post level 2 and above are removed, and that the South African Schools Act, 1996 and the Employment of Educators Act, 1998 should be amended to reflect this.*

Response: NAPTOSA agrees with the findings but NOT with the above recommendation of the Task Team. Whilst there are many SGBs that are dysfunctional or have been hijacked by certain interest groups (unions), there are as many, if not more, who function perfectly well.

If the recommendation is understood correctly, it means that it will be acceptable for the very same dysfunctional / hijacked SGBs to be involved in the appointment of PL1 educators, but not the filling of PL2 positions and above. This makes no sense.

NAPTOSA believes that if there is a genuine will to deal with this scourge that is impacting on appointments and promotions, then it MUST be ensured that existing policies and collective agreements are adhered to, where one organisation no longer dominates the system; and the neutrality of decision-makers is guaranteed.

NAPTOSA is aware that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and promotions exist for aggrieved parties to report non-compliance and deviations. The collective agreements in the ELRC speak to these issues. All stakeholder parties to these processes need to be educated on these issues instead, and be held accountable for non-compliance.

NAPTOSA reaffirms that SGBs do have a role to play in the governance of schools and that they should not be discarded; instead, their role in appointments and promotions should be strengthened with regular meaningful training, monitoring and evaluation.

- (b.7) **RECOMMENDATION 7:** *That the interviewing panels for the appointment of principals should, in the main, comprise educators of suitable rank and experience, departmental officials who are suitable prepared as resource persons, and should be convened by the District Managers. The pre-interviewing of candidates for principals' posts should occur prior to the*

interviews; and that the results should be available to the interviewing panel members. Incumbent principals should be selected by panels with capacities to evaluate the competence and suitability of the candidates for leadership, management, as well as academic, experiential and professional abilities.

Response: This is largely in line with NAPTOSA's response to Recommendation 6. Furthermore, the MTT is NOT in favour of peer review panels and provincial (PED) panels as this will just make the process extremely cumbersome.

If, in terms of the MTT findings, provincial departments are in many cases saturated with deployments from certain unions, the appointment / promotion processes will continue to be undermined, if departmental officials were to have a final say in these matters. The suggestion that many of the departmental appointees, who themselves have achieved their promotion through the same rotten process of cadre deployment and promotion of friends and associates, ***should now be in charge*** is preposterous. It will be a true case of appointing the wolf as shepherd.

This recommendation is therefore NOT supported by NAPTOSA.

- (b.8) **RECOMMENDATION 8:** *It should not be possible for a person to be promoted to principal from a post-level 1 position. Insofar as this happens at present, regulations should prohibit it.*

Response: NAPTOSA gives qualified support and recognition to the recommendation that a principal is first and foremost a manager, and for that purpose, needs the requisite knowledge and experience that can only be gained by serving in lower managerial positions in schools. However, this is a process that must be undertaken by the Education Labour Relations Council (ELRC), after due recognition is given to the fact that all historical inequalities in accessing senior posts have been removed.

- (b.9) **RECOMMENDATION 9:** *That the observer status of Unions be renegotiated with respect to the recruitment process.*

Response: As a (politically) non-aligned union, NAPTOSA does not participate in a system of cadre deployment. If the findings of the MTT, that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to (party political/union) organisational matters than their jobs as office-based educators are correct, NAPTOSA fully endorses the recommendation of the Commission in this regard.

NAPTOSA believes that sufficient legislation, policies and grievance procedures in respect of the role of Unions in appointments and

promotions exists for governing body members to report non-compliance and deviations. The collective agreements in the ELRC speak to these issues. SGBs need to be educated on these issues instead.

As for the right of unions to observe shortlisting and interview processes are concerned, NAPTOSA has always regarded the right to be limited to ensuring that these processes are conducted fairly. If, however, this right has been abused by some unions to formally and informally influence outcomes of these processes (including the altering of scores inside or outside meetings), NAPTOSA is in full support of the tightening of the relevant collective agreements. We will, however, not support the removal of the right to observe.

- (b.10) **RECOMMENDATION 10:** *That both school and office-based educators should cease to be office-bearers of political parties and that educators in management posts (including school principals) should be prohibited from occupying leadership positions in teacher unions.*

Response: For obvious reasons it cannot be expected of NAPTOSA to support this recommendation. NAPTOSA's members, who are office-bearers, play a vital role in the union. If it is found, however, that their membership of NAPTOSA interferes with their objectivity, so that they act improperly in the execution of their departmental functions, the DBE or provincial department should take appropriate action against such office-based educators. This has obviously not been true with regard to the membership of all unions, hence the recommendation by the MTT.

A union for office-based educators will not solve the problem identified by the MTT. The number of office-based educators is too small for the establishment of a viable union that will qualify for admission to the ELRC. This will require the union to seek a working together arrangement with another union or unions and, depending on which union(s) this is, one could find a perpetuation of the current situation.

If appointments and promotions are to be dealt with by independent external organisations as proposed by NAPTOSA (until a situation is reached where there is sufficient proof that office-based educators are able to operate in an unbiased manner), the identified problem would be taken care of.

- (b.11) **RECOMMENDATION 11:** *That it seems desirable that separate and distinct Unions be established for office based educators.*

Response: NAPTOSA questions whether such recommendations are warranted and it was part of the brief.

- (b.12) **RECOMMENDATION 12:** *That measures be put in place to ensure that the practice of cadre deployment into DBE offices and schools ceases entirely.*

Response: As a (politically) non-aligned union, NAPTOSA does not participate in a system of cadre deployment. If the findings of the MTT, that cadre deployment results in people without the requisite skills, abilities and commitment serving in key areas of the system or else giving more attention to (party political / union) organisational matters than their jobs as office-based educators, are correct, NAPTOSA fully endorses the recommendation of the MTT in this regard.

- (b.13) **RECOMMENDATION 13:** *Those who are appointed to Districts and provincial offices should be required to demonstrate their capacity to carry out the jobs for which they have applied. There should neither be political appointments nor cadre deployments. People in these posts should be accountable to their employer, and be assessed regularly.*

Response: NAPTOSA supports the recommendation. If provincial offices and districts are staffed by skilled and competent officials, the education system as a whole will benefit and quality education can be achieved.

- (b.14) **RECOMMENDATION 14:** *That the DBE and the DHET, with universities and other stakeholders including Unions, lead discussions aimed at developing a broad-based philosophy of education, consistent with our history and Constitution, which will underpin the education and training of educators, and shape the practice of education in schools throughout South Africa.*

Response: NAPTOSA supports the recommendation, although it is believed that unions in education should also be invited to participate in the debate.

- (b.15) **RECOMMENDATION 15:** *That the roles South African Council of Educators (SACE) be reconceptualised and freed from Union and political domination.*

Response: None

- (b.16) **RECOMMENDATION 16:** *That the SACE should release to the Minister its full Report on the buying and selling of posts when completed.*

Response: If there is a SACE report that will strengthen the findings of the MTT to eventually lead to an overhaul of the recruitment and promotion regimes in education, it is important that the report be released. It is,

however, equally important that all relevant parties be given an opportunity to respond to the report before its release.

- (c) ***Nothing that NAPTOSA has said in its response persuades the Task Team of the need to make changes to the Report.***

2.2 NATIONAL TEACHERS' UNION (NATU) – (for further details, see *Annexure 1B*)

- (a) NATU raises the following issues in their response:
- (i) The MTT does not acknowledge the contribution that NATU has made to the investigation;
 - (ii) The MTT mistakenly refers to NATU as the “National Association of Teachers Union”;
 - (iii) Despite NATU’s suggestions regarding process and methodological issues offered to the MTT on 4th November 2014, the MTT chose to ignore these suggestions;
 - (iv) The composition of the MTT has been raised by NATU as constituting a possible conflict of interest, since some members of the MTT may have been involved in the teacher union movements before their appointment to the DBE, and subsequently to the MTT;
 - (v) NATU had suggested ways that would have allowed “maximum participation”, and these were not followed by the MTT;
 - (vi) NATU believes that “the fear of reprisals acted as a deterrent in preventing many potential witnesses from coming forward to testify.”
 - (vii) The MTT drifted from its mandate to investigate corrupt practices, and spent a “disproportionate amount of time advising the Minister on how to improve the existing legislative provisions and policies related to the appointment and placement of teachers”.
- (b) ***The MTT has already covered some of these issues in the general background section above.*** However it wishes to place the following on record that:
- (i) While it is correct that the NATU Executive Director and its President met with the MTT on the 4th November 2014, the meeting ended with an agreement that, in order to ensure the further participation from NATU, the MTT should provide NATU with a detailed account of its methodology and timescale, and should indicate what measures it would take to ensure the protection of witnesses. The MTT responded accordingly, and although NATU was provided with such a document, the MTT, despite

numerous attempts by emails and telephone calls, never heard from NATU again. NATU was the only Union that did not provide written input or provincial participation.

- (ii) The MTT apologises to NATU for giving it an incorrect name in the Report. The error will be rectified before publication.

2.3 THE PROFESSIONAL EDUCATORS' UNION (PEU) – (for further details, see *Annexure 1C*)

- (a) PEU expressed their appreciation for the work done by the MTT despite the challenges faced by the MTT in gathering the requisite evidence. PEU feels that the release of the MTT Report is timeous given the low morale currently existing in the teaching profession.
- (b) PEU, however, has expressed a number of issues about the MTT Report:
 - (i) The forensics investigation could have gone further to uncover and gather the evidence needed for a more conclusive finding in several cases that were investigated;
 - (ii) The attention drawn to cadre deployment is welcomed by PEU because in their view PEU has been a victim of this practice;
 - (iii) There is huge responsibility placed on the SGBs and cognisance should be taken about the demands and need for support;
 - (iv) While PEU gives general support to the MTT's recommendations, it believes that there is not a recommendation addressing the "ineptitude" of departmental officials; and
 - (v) PEU believes that the challenges identified in the MTT Report are not insurmountable, and that it could serve as a rallying point to give new hope for a better quality of education.
- (c) PEU has also provided a list of typographical which will be incorporated in the MTT Report. However, based on the PEU responses the ***MTT will not make any substantive changes to its Report.***

2.4 SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION (SADTU) – (for further details, see *Annexure 1D*)

- (a) SADTU chose to focus on what it regards as five main inadequacies of the MTT's Report. These are:

- (i) The MTT failed to sustain an open and enquiring state of mind: paragraphs 13, 34, 35, 41, 43 (*numbers refer to the paragraphs in the SADTU document*) including its political agenda: 55, 68, 73; the unfair targeting of SADTU: 23, 29; and because of a reference to the Tripartite Alliance: 64;
 - (ii) Enquiries made by the MTT have gone beyond media reports: 25 and it has made observations outside of its terms of reference: 26, 47, 51, and 54;
 - (iii) The absence of evidence and specificity in the Report: 33, 38, 49, 52, 56, 71;
 - (iv) Making 'defamatory' statements about SADTU: 63, 68; and
 - (v) Comments on the South African Council of Educators (SACE).
- (b) The MTT has set out in the background section above its position about its approach, methodology and its interpretation of its brief and mandate. These have a bearing on points 1, 2, 4 and 5 above. Below, the MTT sets out responses as and where there is reference to the forensic section Chapter 3) of the Report:
- (i) **AD Paragraph 35 to 36:** The matter under discussion in these paragraphs follows from an Article published in the City Press on 2nd May 2014. The MTT found that the Gauteng Department of Education commissioned an investigation into these allegations. The MTT in its report merely states the factual situation as to the outcome of that investigation as far as it is relevant to its mandate. By no means did the MTT make a finding that the conclusions from that investigation are true and correct. Having an open mind, the MTT endeavored to engage with the relevant witnesses to confirm or refute the averments as reported in the Nchupetsang report, without success. The only finding of the MTT was therefore that due to an apparent lack of cooperation from relevant witnesses, these findings could not be confirmed or refuted. Due to the nature of the allegations and having cognisance of the provisions of Section 34 of the Prevention and Combatting of Corrupt Activities Act, the MTT recommends that the matter be reported to the SAPS.
 - (ii) **Ad Paragraph 37:** The MTT finding was that based on the available evidence there may be substance to the allegation that Mr XXXX (name blocked) union affiliation, may have influenced his appointment. Hence the MTT recommends a detailed investigation to confirm or refute this allegation.
 - (iii) **Ad Paragraph 43:** The averments contained in this paragraph are denied. Of significance is what SADTU's submission *chose* not to refer to. These are, among many others:

- (aa) References to the MTT Recommendations (except Recommendation 11);
 - (bb) The uses of cadre deployment;
 - (cc) The capture of Departmental structures;
 - (dd) The widespread use of multiple forms of “undue influence” in the schooling system;
 - (ee) The deleterious effects upon the quality of education of patronage, militancy and other disruptive practices;
 - (ff) The responsibility of Teacher Unions to improve the quality of teaching and learning;
 - (gg) The presence of corruption in the Provincial Departments of Basic Education; and
 - (hh) The adverse effects of the adversarial relationship between the DBE and Teacher Unions upon teaching and learning.
- (c) SADTU was invited to comment on the Report’s Recommendations, but it declined to do so on the grounds that it disapproved of the manner in which the recommendations were arrived at.
 - (d) The MTT was obliged to acknowledge that the environment, in which South African schooling takes place, is conducive to corruption. The tension between the DBE and Unions is a dimension of that hostile environment. The MTT is of the view that this situation has led to a grave loss of professionalism in school- and office-based educators, and that it therefore a main cause of the appallingly low standards of learning in South Africa’s schools, especially at Primary levels.
 - (e) The MTT has decided that in the light of SADTU’s submission to it, there is no need to alter its Report other than to point out that no Teacher Union as an organisation is involved in the buying and selling of posts in education.

2.5 SUID-AFRIKAANSE ONDERWYS UNIE (SAOU) – (for further details, see *Annexure 1E*)

- (a) The SAOU after it made a thorough study of the Report have raised several issues:
 - (i) Its appreciation that an investigation into the selling of posts has been conducted and support for follow-up actions emanating from the Report;

- (ii) It view that a large part of the report deals with matters outside the actual brief of the MTT “instead of adhering to the brief, i.e., the identification of perpetrators and appropriate actions against them”; and that therefore, in its view the MTT has gone beyond its brief;
- (iii) It takes issue that the recommendation contained in the Report regarding the overhaul of the appointment process and the powers and competencies of school governing bodies is based on a “small number of actual perpetrators”;
- (iv) In its view the recommendations contained in the Report are meant to promote “the large scale centralisation of the education system” and that it will “reinstate a schooling system that will be at the behest of the ruling political party of the day and reminds one of the 1976 model of schooling”;
- (v) SAOU is offended that the “conclusions reached from the SAOU’s input was either badly understood or deliberately misrepresented”. It is particularly offended by references in the Report that SAOU’s input as seen to be that of “people resisting the transformation of pre-1994 hegemonic values”. This, and other statements in the Report regarding SAOU, SAOU regards as malevolent and insulting;
- (vi) It is also of the view that there is “an uncanny correlation with the Basic Education Laws Amendment Bill (dated 18 August 2015) that was provided to unions on 20 September 2015 by the Deputy Minister for Basic Education” and that the impression is that the MTT’s report was drafted to support the Bill;
- (vii) SAOU provides the following responses to the various Recommendations in the MTT Report:
 - (aa) Recommendation 1: Supported;
 - (bb) Recommendation 2: Supported;
 - (cc) Recommendation 3: Supported;
 - (dd) Recommendation 4: The SAOU agrees with the recommendation, i.e., that clear roles for the various provincial departments of education and unions be delineated. However, SAOU wishes to add that the role of school governing bodies needs to be added to this particular process as they are an indispensable role-player;
 - (ee) Recommendation 5: Supported;

(ff) Recommendation 6: The SAOU does not support this recommendation. A community should have the power to make recommendations with regard to teachers that fit the various communities' requirements for teachers. The provincial department of education has no responsibility towards a particular community, and is not au fait with such community's requirements, as well as the relevant school's curriculum and extra-curricular needs and requirements;

(gg) Recommendation 7:

- The SAOU supports the principle that principals must comply with minimum requirements with regard to suitability, academic acumen, experience and professional competencies;
- The possibility of pre-interview testing can be supported provided that the assessment model is agreed to and will be applied in such a manner that it will comply with the principles of equity and fairness. Furthermore, although the results of such testing may be made available to the envisaged selection panels, the information must be regarded as personal and confidential, i.e., that it may only be used for purposes of the interviewing process;
- The principle of selection panels can also be supported provided that the final recommendation will be made by the SGB;
- The caveat to the above is to note that ELRC collective agreements currently determine the processes that underpin the appointment procedures of educators on all post levels. Any amendment of such processes can only be effected by a collective agreement by the parties to the ELRC; and
- The organised teaching profession has held discussions among the various constituting members and in a pro-active manner have requested the ELRC that all processes that underpin the appointment procedures of educators as contemplated in the relevant collective agreements, be reviewed, refined and where necessary amended in order to address the problem areas as identified by the MTT;

(hh) Recommendation 8: Supported, provided that it must be borne in mind that principals of small schools are appointed on post level 2; and therefore the logical pool of possible candidates will in the majority of cases be post level 1 educators.

- (ii) Recommendation 9: Supported.
- (jj) Recommendation 10:
 - A school should at all times be regarded as politically neutral, and therefore the principal of such a school should not be an office-bearer of a particular political party; and
 - The proposal that educators in management posts may not occupy leadership positions in teacher unions cannot be supported. It is vitally important that a teachers' union should at all times be able to portray a balanced view on all educational matters. Therefore, it is of the utmost importance that all post levels should be represented by the leadership of a teachers' union. SAOU has obtained legal advice that the proposal will not pass constitutional compliance with regard to freedom of association.
- (kk) Recommendation 11: Not supported – in conflict with the constitutional principle of freedom of association.
- (ll) Recommendation 12: Supported.
- (mm) Recommendation 13: Supported.
- (nn) Recommendation 14: Supported, provided that cognisance be taken that the biggest problem with the training of teachers is that the subject knowledge of such teachers is not on par with the minimum requirements for teaching such subjects effectively.
- (oo) Recommendation 15: Not supported. Any professional council is the responsibility of the profession itself, i.e., that it governs itself with regard to moral and ethical codes of conduct and minimum requirements for entering such a profession. The SAOU finds it difficult to accept that the teaching profession should be degraded in comparison to other professions.
- (pp) Recommendation 16: Supported.
- (b) ***Nothing that SAOU has said in its response persuades the Task Team of the need to make changes to the Report.***